



UNITED STATES
PATENT AND
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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DEC 12 2002

ARENT FOX KINTNER PLOTKIN & KAHN
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

#8

In re Application of :
Annamaria Colacci et al :
Serial No.: 09/926,286 : WITHDRAWAL OF ABANDONMENT
Filed: January 15, 2002 :
Attorney Docket No.: 100506-00004 :

This is in response to applicants' petition under 37 CFR 1.181, filed October 8, 2002, requesting revival of the above-identified application based on non-receipt of an Office action.

A review of the file history shows the examiner mailed an Office action to applicants on February 25, 2002, setting a three month shortened statutory period for reply. Upon failure to receive a reply the application became abandoned as of May 28, 2002, however a Notice of Abandonment has not yet been mailed to applicants. Applicants state that the Office action was never received and provide statements and docket record evidence of non-receipt in support thereof. It is noted that this application was filed by the above addressee as a National Phase application under 35 U.S.C. 371 without a signed declaration. In response to a Notice of Missing Part of Application applicants forwarded a signed declaration. The declaration, however, appointed as attorneys: Nikaido Marmelstein Murray & Oram, Metropolitan Square, 655 Fifteenth Street NW, Suite 330 G Street Lobby, Washington DC 20005-5701. In processing this application, the appointment of attorney and mailing address in the declaration superseded any mailing address set forth in the original transmittal letter. As the appointed firm no longer exists the Office action could not have been properly delivered. It is clear that the filed declaration was in error in appointment of attorney which appointment should be corrected in due course. In view thereof, the Abandonment is withdrawn and the application is restored to a pending status with the mailing of this decision.

Applicants' petition is **GRANTED**.

The application will be forwarded to the examiner for remailing of the last Office action to the above address.

Should there be any questions regarding this decision, please contact William R. Dixon, Jr., by mail addressed to Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-7230.


John Doll

Director, Technology Center 1600